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The Director of Central Intelligence

Washington, D.C. 20505

Intelligence Community Staff

DCI/IC-78-0335

April 5, 1978

MEMORANDUM FOR: The Director for Central Intelligence
FROM: Deputy to the DCI for Resource Management
SUBJECT: OSD "Reopening" of E.O. 12036 Matters in
Comments on S.2525



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Now that I have the facts, it appears I was excessively alarmist last evening when I reported that DoD representatives are trying to reopen in their comments on S. 2525 significant issues previously settled by the wording of E.O. 12036. As you can see from the attached examples the problems all relate to a single theme: limiting the DNI's responsibility for coordinating with foreign governments and within the Intelligence Community on national intelligence matters.

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NOTE FOR THE DIRECTOR

FROM:
D/DCI/RM

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The following are examples, taken from the OSD markup comments on Title I of S-2525 in which it appears that Defense representatives are reopening matters previously settled by the wording of E.O. 12036.

a. Sec. 114 (j) (1)

(1) OSD would amend this DNI responsibility as follows:

"formulate policies with respect to national intelligence arrangements with foreign governments."

(2) The OSD comment is that: "The DCI should have jurisdiction only over matters involving national intelligence. Departmental and tactical intelligence policies should be formulated by the departments."

(3) Section 1-601 (g) of E.O. 12036 provides that the DCI shall "formulate policies concerning intelligence arrangements with foreign governments."

(4) The statement in E.O. 12036 gives the DCI an across-the-board responsibility; the OSD proposed change would mean that a variety of U.S. agencies could be dealing separately with foreign intelligence and security services.

b. Sec. 114 (j) (2)

(1) OSD would amend this DNI responsibility as follows:

"coordinate ~~intelligence~~ relationships between the various entities of the intelligence community and the

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foreign intelligence or internal security services of foreign governments that involve national intelligence."

(2) OSD supports the proposed change with the argument that coordination with respect to departmental and tactical relationships should be a departmental responsibility.

(3) Sec. 1-601 (g) of E.O. 12036 states that the DCI shall: "coordinate intelligence relationships between agencies of the intelligence community and the intelligence or internal security services of foreign governments."

(4) The E.O. does not limit the DCI's role in coordination merely to "national" intelligence. He is responsible for all such coordination.

c. Sec. 114 (1)

(1) OSD would amend this DNI responsibility as follows:

"The director shall be responsible, subject to provisions of this act, for the protection from unauthorized disclosure of national intelligence sources and methods and shall establish for departments and agencies security standards for the management and handling of information and material relating to national intelligence sources and methods. ~~The Director shall take such steps as are necessary, consistent with applicable laws and executive orders, to insure timely declassification of such information and material.~~"

(2) The OSD comment is that "the first two changes are made to focus the Director's responsibilities on national intelligence. The remaining change is because this provision is unnecessary and disadvantageous."

(3) The OSD proposed "national" limitations would importantly change the provision in the National Security Act of 1947 that ~~"the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."~~

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(4) E.O. 12036 at Sec. 1-604 provides the "Director of Central Intelligence shall insure that programs are developed which protect intelligence sources, methods and analytical procedures." There is no mention that such responsibility should be limited to "national" intelligence only.

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(5 April 1978)